



## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 73

[MB Docket No. 22-436; RM-11941; DA 23-175; FR ID 132825]

#### Television Broadcasting Services Lufkin, Texas

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** On December 9, 2022, the Media Bureau, Video Division (Bureau) issued a *Notice of Proposed Rulemaking (NPRM)* in response to a petition for rulemaking filed by Gray Television Licensee, LLC (Petitioner or Gray), the licensee of KTRE (Station or KTRE), channel 9, Lufkin, Texas, requesting the substitution of channel 24 for channel 9 at Lufkin in the Table of TV Allotments. For the reasons set forth in the *Report and Order* referenced below, the Bureau amends Federal Communications Commission (FCC) regulations to substitute channel 24 for channel 9 at Lufkin.

**DATES:** Effective [INSERT DATE OF PUBLICATION IN THE FEDERAL REGISTER].

**FOR FURTHER INFORMATION CONTACT:** Joyce Bernstein, Media Bureau, at (202) 418-1647 or [Joyce.Bernstein@fcc.gov](mailto:Joyce.Bernstein@fcc.gov).

**SUPPLEMENTARY INFORMATION:** The proposed rule was published at 88 FR 1038 on January 6, 2023. The Petitioner filed comments in support of the petition reaffirming its commitment to apply for channel 24. No other comments were filed.

The Bureau believes the public interest would be served by substituting channel 24 for channel 9 at Lufkin, Texas. The proposed channel substitution will resolve significant over-the-air reception problems in KTRE's existing service area, reception issues which the Commission has recognized results from the propagation characteristics of digital VHF signals and the deleterious effects manmade noise has on the reception of digital VHF signals. Furthermore, the existing KTRE tower has significantly deteriorated and cannot be reasonably repaired, and thus the

Petitioner proposes to relocate the proposed KTRE facility on channel 24 to an adjacent, shorter tower. Although that facility would result in a slight reduction in KTRE's predicted population served, once terrain-limited coverage predication and coverage of same-network (ABC) alternative stations are taken into account, only 448 persons will lose ABC network service, a number which the Commission considers *de minimis*.

This is a synopsis of the Commission's *Report and Order*, MB Docket No. 22-436; RM-11941; DA 23-175, adopted March 3, 2023, and released March 3, 2023. The full text of this document is available for download at <https://www.fcc.gov/edocs>. To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an e-mail to [fcc504@fcc.gov](mailto:fcc504@fcc.gov) or call the Consumer & Governmental Affairs Bureau at 202-418-0530 (voice), 202-418-0432 (tty).

This document does not contain information collection requirements subject to the Paperwork Reduction Act of 1995, Public Law 104-13. In addition, therefore, it does not contain any proposed information collection burden "for small business concerns with fewer than 25 employees," pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107-198, *see* 44 U.S.C. 3506(c)(4). Provisions of the Regulatory Flexibility Act of 1980, 5 U.S.C. 601-612, do not apply to this proceeding.

The Commission will send a copy of the *Report and Order* in a report to be sent to Congress and the Government Accountability Office pursuant to the Congressional Review Act, *see* 5 U.S.C. 801(a)(1)(A).

### **List of Subjects in 47 CFR Part 73**

Television.

FEDERAL COMMUNICATIONS COMMISSION.

Thomas Horan  
Chief of Staff

Media Bureau.

For the reasons discussed in the preamble, the Federal Communications Commission amends 47 CFR part 73 as follows:

**PART 73 - - RADIO BROADCAST SERVICES**

1. The authority citation for part 73 continues to read as follows:

**Authority:** 47 U.S.C. 154, 155, 301, 303, 307, 309, 310, 334, 336, 339.

2. In § 73.622(j), amend the Table of TV Allotments, under Texas, by revising the entry for Lufkin to read as follows:

**§ 73.622 Digital television table of allotments.**

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(j) \*\*\*

Community	Channel No.
*****	
TEXAS	
*****	
Lufkin	24
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